FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.890 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.R.Chitnis, Sr. Advocate with Saikumar P.M. for the Applicant.

Mr.P.S.Hingorani, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 07/3/2006.

P.C.

1. This is an application against the order of the lower court rejecting an application for sending disputed cheque which is the subject matter of 138 proceeding to the Handwriting Expert for his opinion under Section 45. In my view, it is not necessary to stay the trial. There is always liberty to the petitioner to lead defence evidence of an expert. Therefore, with liberty to apply for zerox certified copy of the cheque, application is rejected. As regards the allegation regarding

difference in the ink, if and when such expert witness is put in the witness box, he will be entitled inspection of the original cheque which is on record.

2. The Advocate for the applicant states that a non bailable warrant has been issued as the accused was busy in this court for verification of the present application. In the circumstances, liberty to apply for cancellation of non bailable warrant on the next date. If the applicant remains present before the trial court on the next date and applies for cancellation of non bailable warrant. The trial court will proceed with the trial without insisting of prior surrender of the applicant and will cancel the non bailable warrant on such terms and conditions which would secure the further presence of the applicant in the future as he deems fit.

(R. S. MOHITE, J.)

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